HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No.25936 of 2006

Date: 13.08.2007

Between :

Fishermen Co-operative Society.

.....Petitioner

And

The Commissioner of Fisheries and others.

.....Respondents.

HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No.25936 of 2006

ORDER :

The fishermen co-operative society of Toopran Village and Mandal, Medak District, 3rd respondent herein had about 13 villages in its area of operation. One such village is Gundredpalli, which had four irrigation tanks in it. The fishermen of Gundredpalli Village intended to form a society for themselves and submitted an application/representation before the Commissioner of Fisheries and the Assistant Director of Fisheries, respondents 1 and 2 herein respectively. On a consideration of the application, the first respondent issued a memo, dated 29.04.1999 directing the 2nd respondent to arrange for a skill test for the fishermen of Gundredpalli Village. Test was conducted by Fisheries Development Officer; and out of 35 applicants, 25 were found eligible. Petitioner complains that though a case was made out for formation of a separate society for the fishermen of Gundredpalli, no steps, as contemplated under Section 15-A of the A.P.Co-operative Societies Act, 1964 (for short 'the Act'), have been taken thereon.

On behalf of respondents 1 and 2, a counter affidavit is filed. The principal contentions of the petitioner were admitted. It is further stated that it is viable to form a separate society for the fishermen of Gundredpalli and that on account of such formation, the economic viability of the 3rd respondent would not be affected.

Heard learned counsel for the petitioner, learned Government Pleader for Fisheries and learned counsel for the 3rd respondent.

The 3rd respondent-society was formed, for the benefit of the fishermen of several villages. Over a period of time, separate societies came to be formed. The fishermen of Gundredpalli submitted an application for formation of a separate society for themselves. The major factor to be taken into account, in this regard, is to verify the economic viability vis-à-vis the norms prescribed by the Government, for the proposed society, on the one hand, and that of the 3rd respondent-society, on the other. On both the counts, it was found that the viability exists. That being the case, there was absolutely no basis for respondents 1 and 2 in not taking further steps.

Therefore, the writ petition is allowed and respondents 1 and 2 are directed to take necessary steps contemplated under Section 15-A of the Act, within a period of two (2) months from the date of receipt of a copy of this order. There shall be no order as to costs.

_____

13.08.2007

JSU